

Panaji, 20th June, 1974 (Jyaishta 30, 1896)

SERIES I No. 12

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/19/67-II

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to Class II post of Assistant Engineer (Civil) in the Office of the Captain of Ports (Hydrographic Survey Unit) under the Government of Goa, Daman and Diu.

1. **Short title.**— These rules may be called Goa Government, Hydrographic Survey Unit, Assistant Engineer (Civil) Class II Gazetted post Recruitment Rules, 1974.

2. **Application.**— These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**— The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointment to the various posts made on or after this date.

T. Kipgen

Chief Secretary

Panaji, 26th April, 1974.

(b) Panaji-Agasaim or vice-versa	Rs. 11-25 at the rate of Rs. 2-25 per passenger
(c) Vasco-Cortalim or vice-versa	Rs. 11-25 at the rate of Rs. 2-25 per passenger
(d) Cortalim-Margao or vice-versa	Rs. 12-50 at the rate of Rs. 2-50 per passenger
(e) Mapusa-Bicholim or vice-versa	Rs. 11-25 at the rate of Rs. 2-25 per passenger
(f) Mapusa-Siolim or vice-versa	Rs. 6-00 at the rate of Rs. 1-20 per passenger
(g) Mapusa-Calangute or vice-versa	Rs. 6-25 at the rate of Rs. 1-25 per passenger
(h) Panaji-Calangute or vice-versa	Rs. 11-25 at the rate of Rs. 2-25 per passenger
(i) Vasco-Marmagao Harbour or vice-versa	Rs. 4-00 at the rate of Rs. 0-80 per passenger
(j) Mapusa-Colvale or vice-versa	Rs. 6-00 at the rate of Rs. 1-20 per passenger

C. Fares for tourist taxis.

- A flat rate of Re. 1-00 per kilometre or part thereof.
- No detention charges shall be charged for the tourist taxis.

D. Fares for autorickshaws.

- For each kilometre or part thereof Rs. 0-40
- Minimum charges Re. 1-00
- Waiting charges 10 paise for every 6 minutes of waiting

This supersedes the earlier Government Notifications No. HD.25-1191/69 dated 22-4-1970 and the Draft Notification No. HD.25-159/73 dated 15-11-73, published in the Official Gazette No. 33, Series I, dated 16-11-1973.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 14th June, 1974.

Rural Development Department

Notification

2-7/74/FCS-CS

In exercise of the powers conferred by section 3 of the Essential Commodities Act 1955 (10 of 1955) read with the Notification of the Government of India in the Ministry of Agriculture, (Department of Food) G. S. R. No. 316(E) dated the 20th June 1972 and with the prior concurrence of the Central Government, the Administrator of Goa, Daman and Diu hereby makes the following order so as to further amend the Goa, Daman and Diu Essential Articles Price (Display and Control) Order, 1968 (herein after called «the principal order») namely:—

In the schedule appended to the principal order, after serial Number 20 and the entry

relating thereto the following shall be added, namely:—

“21 Edible oilseeds”.

By order and in the name of the Administrator of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Development).

Panaji, 11th June, 1974.

Labour and Information Department

LC/23/TBA-ER/72

The following draft rules which the Government of Goa, Daman and Diu proposes to make in exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923 (Act V of 1923) and all other powers enabling it in that behalf, are hereby published as required by section 31(1) of the said Act and notice is hereby given that the draft of the said rules will be taken into consideration on the expiry of one month from the date of publication of the notification.

Any objection and suggestion which may be received by the Secretary to the Government of Goa, Daman and Diu, Labour and Information Department, Secretariat, Panaji (Goa) from any person with respect to the said draft rules before the expiry of the aforesaid period will be considered by the Government.

DRAFT RULES

In exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923 (Act V of 1923), and of all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. **Short title and extent.**— (a) These rules may be called the Goa, Daman and Diu Economiser Rules, 1974.

(b) They extend to the whole of the Union Territory of Goa, Daman and Diu.

2. **Definitions.**— In these rules, unless the context requires otherwise, —

(a) “Act” means the Indian Boilers Act, 1923;

(b) “Regulations” means the Indian Boiler Regulations, 1950, made by the Board under section 28;

(c) “Section” means a section of the Act.

(d) “Government” means the Government of Goa, Daman and Diu.

3. **Payment of fees.**— All fees payable under the Act and these rules shall be deposited by the payer in a Government Treasury or the State Bank of India, in the Union Territory of Goa, Daman and Diu.

4. Registers.— (1) The Chief Inspector shall keep in his Office—

(a) a register in Form AE of all economisers registered in the Union Territory of Goa, Daman and Diu;

(b) the Registration Books and Memorandum of Inspection Books in respect of all economisers entered in such registers;

(c) a register of appeals;

(d) a register of accidents; and

(e) a register of fees received for registration and for the issue of renewed certificates.

(2) The register maintained under clause (a) of sub-rule (1) shall consist of two parts. In part I shall be entered the economisers registered in the Union Territory of Goa, Daman and Diu and in part II shall be entered the economisers transferred from another State or Union Territory.

5. Inspection at special times.— No examination of an economiser shall be made by an Inspector for the purpose of registering or issuing a certificate for an economiser on a Sunday or gazetted public holiday or between the hours of sunset and sunrise without the specific orders of the Chief Inspector in each case. In such cases, an extra fee equal to the usual fee for the registration or inspection of the economiser, as the case may be, shall be charged and half of the extra fee paid to the Inspector.

CHAPTER II

Procedure for Registration and Inspection

6. Receipt of application.— An application for registration under sub-section (1) of section 7 shall be made to the Inspector of the local area in which the economiser is situated and shall be accompanied by a receipt for the payment of the fee prescribed in regulation 533 of the regulations.

7. Procedure on transfer of an economiser unit or part of a unit.— Whenever an economiser is transferred to the Union Territory of Goa, Daman and Diu from any other State or Union Territory, the owner shall report such transfer to the Chief Inspector as required by clause (b) of section 6 and apply for the registration of the transfer; the economiser shall not be used until registration has been effected. No fee shall be charged for recording such transfer.

8. Entry of transferred economiser unit in register.— (1) On receipt of the Registration and Memorandum of Inspection Books in respect of such transferred economiser, the Chief Inspector shall enter the economiser unit under its original number in Part II of the register in Form AE.

(2) When parts of two or more units are assembled to form one unit, the original numbers shall be cancelled and the newly built up unit shall be given a fresh number.

9. Note of transferred and dismantled economisers.— Whenever an economiser or part of an economiser has been transferred to another State or Union Territory or broken up, the fact shall be noted in the Register. In the case of an economiser which has been condemned, the Registration Book and the Memorandum of Inspection Book shall contain an entry to that effect.

10. Entries in certificates.— In addition to the entries required to be made under regulation 530 in a certificate for an economiser, the Inspector shall state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging brickwork or other concealing part for the next inspection to enable the owner to have the same properly prepared at that time. He shall also state in the same place his requirements regarding the repair or removal of any part that may be considered fit only for the period of the certificate.

In the repairs column shall be entered the year of repair and description of the repair effected. Only important repairs shall be noted.

11. Engraving of registry number.— Paper slips of the proper size bearing the registry number allotted for the economiser shall be supplied by the Chief Inspector. The engraving of the registry number shall be made as prescribed in regulation 534.

12. Issue of certificate and provisional order.— In cases in which the Inspector is empowered to issue a certificate under section 8 without further reference the certificate shall ordinarily be issued within 48 hours of the completion of the inspection. Where the Inspector proposes to issue a provisional order under section 9 pending the issue or refusal of the certificate, he shall satisfy himself that the economiser is fit to be worked at the minimum pressure and for the period entered in the provisional order. The fact of the issue of a provisional order shall be reported immediately to the Chief Inspector.

13. Forms of provisional orders and certificates.— Provisional orders and certificates are prescribed in Forms X and XI, respectively of the Regulations.

The period specified in any provisional order or certificate shall begin on the day on which the thorough inspection or hydraulic test is completed. When a certificate supersedes a provisional order during the period of its currency, the period of the certificate shall be retrospective and shall begin from the same date as that of the provisional order.

14. Duplicate certificate.— A duplicate of a certificate under section 7 or renewed certificate under section 8 or a provisional order granted under section 9 which for the time being is in force, shall be granted by the Chief Inspector on the application of the owner of the economiser, if the Chief Inspector is satisfied that the duplicate is required for a bona fide purpose and a fee of rupees five is paid.

15. Registration fees.— Fees for registration shall be such as are prescribed in regulation 533 of the regulations.

16. Inspection fees for renewal of certificates.— Fees for inspection of economiser for renewal of its certificate shall be levied in accordance with the following scale:—

	Rs.
For an economiser rating not exceeding 46.5 square metres	40
For an economiser rating exceeding 46.5 sq. metres, but not exceeding 93 sq. metres	50

	Rs.
For an economiser rating exceeding 93 sq. metres, but not exceeding 139.5 sq. metres	60
For an economiser rating exceeding 139.5 sq. metres, but not exceeding 196 sq. metres	70
For an economiser rating exceeding 196 sq. metres, but not exceeding 232.5 sq. metres	80
For an economiser rating exceeding 232.5 sq. metres, but not exceeding 279 sq. metres	90
For an economiser rating exceeding 279 sq. metres, but not exceeding 334 sq. metres	100
For an economiser rating exceeding 334 sq. metres, but not exceeding 372 sq. metres	110
For an economiser rating exceeding 372 sq. metres, but not exceeding 418.5 sq. metres	120
For an economiser rating exceeding 418.5 sq. metres, but not exceeding 465 sq. metres	130
For an economiser rating exceeding 465 sq. metres, but not exceeding 558 sq. metres	140
For an economiser rating exceeding 558 sq. metres, but not exceeding 650.5 sq. metres	150
For an economiser rating exceeding 650.5 sq. metres, but not exceeding 744 sq. metres	160
For an economiser rating exceeding 744 sq. metres, but not exceeding 836.5 sq. metres	170
For an economiser rating exceeding 836.5 sq. metres, but not exceeding 930 sq. metres	180
For an economiser rating exceeding 930 sq. metres for every 186 square metres or part thereof, in excess of 930 sq. metres, an additional fee of Rs. 10 shall be charged:	

Provided that when any owner is willing to accept a renewed certificate for less than 24 months in order to approximate the date of the annual inspection to the date on which other economisers in the locality are inspected, a certificate for such shorter period as may be necessary for such approximate may be granted at a reduced fee to be calculated at the rate of one twentyfourth of the ordinary fees for each full month, fraction of a month not being reckoned for such calculation.

17. Special fee for inspection out of season. — (1) For inspections carried out on application made before the date of expiry of a certificate, no travelling and halting charges of the Inspector and staff shall be leviable.

(2) In cases where the owner requires the inspection at any date prior to the expiry of the certificate, the Chief Inspector may, in addition to the inspection fee, charge the travelling and halting charges from

the owner of the economiser. If an owner applies for inspection after the expiry of his certificate, he shall be liable to pay the travelling allowance and halting allowance of the Inspector at the discretion of the Chief Inspector.

(3) If the inspection is carried out at the request of the owner on a date other than the one specified by the Inspector, to suit the convenience of the owner, the travelling charges of the Inspector shall be realised from the owner.

18. Refund of fees. — Any fee paid in excess and any fee paid for an inspection which, for any reason (such reason not due to any fault or omission on the part of the owner of the economiser) has not been made, shall be refunded or adjusted, if an application therefor is made within one year from the date of payment.

CHAPTER III

Procedure for Inspection

19. Internal inspection of Economiser Chamber. — Detailed instructions for the inspection of economisers are contained in Chapter XI of the Regulations. The following general procedure at inspection shall be observed, namely:—

(a) At a thorough inspection of an economiser, the Inspector shall, wherever possible, have either the steel casing doors opened or the brick-work completely removed on the outside of the economiser chamber to enable him to make a thorough examination of the external surfaces of the tubes. But before doing so, he shall satisfy himself that proper provisions have been made to isolate the economiser on the gas side as well as on the water connections or the boiler and from any other working economiser.

(b) Should the Inspector find that the economiser has not been disconnected on the feed line or is not sufficiently sealed on the gas side or is unreasonably hot or not properly cleaned or scaled, he shall decline to proceed with the inspection and report the facts to the Chief Inspector for orders under sub-section (2) of section 14.

(c) When an economiser chamber is of such a size or its construction is such that the Inspector cannot go inside it, reasonable provision shall then be made for the external examination of the principal parts. If for any reason the Inspector cannot examine it, he shall report the facts to the Chief Inspector for orders.

20. Preparation for Hydraulic Test. — (a) The chest of all mountings, subject to the water pressure, shall be in place and shut tight or blank flanged. The relief valve shall, either be secured or removed, and the chest opening blank flanged. The attachment for the Inspector's pressure gauge and the nipple for connecting the Inspector's test pump hose shall be in order. All caps shall be properly fitted and tightened up. The economiser shall be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the economiser, shall be taken before the Inspector visits to test the tightness of the joint. When an economiser is hydraulically tested, it shall be offered entirely bare.

(b) Hydraulic tests of economiser shall be made after the inspection. The test pressure to be applied to economisers at such subsequent examinations shall be from one and a quarter to one and a half times the working pressure of the economiser:

Provided that the Chief Inspector may, at his discretion, waive the requirement of hydraulic test of an economiser, if he deems fit.

21. External Inspection of economiser. — (a) After the economiser has been cleaned, the Inspector shall make a thorough examination so far as its construction permits. The external condition of the tubes shall be carefully noted for wasting especially at the feed inlet end and all accessible tubes shall be calipered. The internal surfaces of cast iron tubes shall be calipered as far as possible and shall be closely observed for graphitic wasting. In the event of any failure, these shall be broken up for scrutiny, so that the general internal condition of the other tubes may be estimated.

(b) Where tubes or other parts are wasted, the strength shall be recalculated.

(c) The scraper gear shall be examined to note if any parts are missing, if the length of travel is adequate and if the scrapers are correctly adjusted.

(d) All cap bolts are to be inspected, also the condition and position of the dampers and baffles.

(e) The record of each inspection and calculation shall be entered in the Memorandum of Inspection Book.

22. Casual Inspections. — The Inspector shall note if the economiser is working satisfactorily and especially in accordance with the regulation 531 of the Regulations. Particular note shall be taken of the satisfactory working of the scrapers and of the water temperature to see that the maximum outlet water temperature of the economiser shall be at least 40°F below the saturated steam temperature in the boiler.

23. Proposal for reduction of pressure. — When the Inspector decides that an economiser in one or more of its parts is no longer fit for the pressure approved for it, he shall, without delay, report his proposals for reducing the pressure to the Chief Inspector.

24. Repairs to economisers. — No pressure parts in a cast iron economiser shall be permitted to be repaired by welding.

(2) Casting shall not be repaired or welded without the specific sanction of the Inspecting Officer. If required, the castings shall be suitably re-heat-treated to remove internal stresses. Should a defect impair the strength of the casting, repair by welding or otherwise shall not be permitted.

25. Entries in Memorandum of Inspection Books. —

(1) The Inspector shall after an inspection, make the necessary entries in the Memorandum of Inspection Book for the economiser and submit the Book to the Chief Inspector.

(2) Inspection notes shall briefly state the following facts, namely: —

(a) the extent to which economisers were cleared of brickwork, lagging or concealing parts;

(b) the general condition of the economisers; and

(c) parts requiring attention or repair and if special preparation is required at the next inspection.

(3) The Inspector shall also note in the Memorandum of Inspection Book all casual visits for inspection of feed pipes, visits for inspection of repair, inquiry into accidents and other like matters.

26. Arranging for Inspections. — In arranging for inspections and hydraulic tests, a written notice of not less than 30 days shall be given to the owner concerned.

27. Fee to cover Inspection and test. — A fee paid for the inspection of an economiser shall cover thorough inspection and hydraulic test subject to the provision of sub-section (2) of section 14.

28. A second fee in default. — A second fee shall be leviable for re-inspection in any case where the inspection of an economiser is begun, but owing to the fault or neglect of the person-in-charge, is not completed within the period of six months from the date of commencement of the inspection; provided that no extra fee shall be levied, except with the sanction of the Chief Inspector.

29. Fee for copy of registration book. — The fee for copy of registration book, excluding inspection notes and calculations, shall be rupees ten.

CHAPTER IV

Accidents

30. Investigation of accidents. — On receipt of a report of an accident to an economiser or feed pipe under section 18, the Inspector shall with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector, he shall forward it at once to the Inspector within whose jurisdiction the accident has occurred for necessary action.

31. Procedure during inquiry. — The Inspector shall make a careful examination of the damaged parts and shall take such measurements and make such sketches for the purpose of his report, as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, any injury caused to persons and damage done to the property. The report shall be in Form CE and shall be sent forthwith to the Chief Inspector. If the Chief Inspector is satisfied with the investigation, he will record the facts in the register of accidents and enter a brief account of the accident in the Registration Book, a copy thereof being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector, if he deems fit after receipt of the Inspector's report, may proceed to investigate the accident personally.

32. Power to hold inquiry in writing. — Inspectors are authorised to take written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of sub-section (2) of section 18, the Inspector shall present to the owner or person in charge of the economiser a series of written questions on all points that are material to the inquiry.

33. **Use of economiser after accident.**—The Inspector shall decide whether the use of the economiser may be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case shall he issue a provisional order or renewed certificate, until his orders have been carried out.

34. **Reference in Annual Report.**—A brief account of all accidents, their causes and remedial measures taken shall be included in the Chief Inspector's annual report.

35. **Unreported accidents.**—If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident, but which has not been reported, he shall report the facts at once to the Chief Inspector for such action, as he deems fit.

CHAPTER V

Appeals

36. **Constitution of Appellate Authority.**—(1) The Appellate Authority to be constituted under section 20 shall consist of a President, and six Assessors appointed by the Government.

(2) The President and assessors shall hold office for such period as the Government may specify in this behalf.

37. **Qualification of President and Assessors.**—

(1) A person to be appointed as the President of the Appellate Authority shall be one—

(i) who is holding or has held any judicial office not lower in rank than that of a Civil Judge or Magistrate of the First Class or any office which, in the opinion of the Government of Goa, Daman and Diu, is an equivalent office;

(ii) who is an advocate enrolled under the Advocates Act, 1961;

(iii) an attorney of a High Court; or

(2) A person to be appointed as an assessor shall be a fully qualified mechanical engineer.

38. **Remuneration of Assessors.**—The Assessor shall be remunerated at such rate as may be prescribed by the Government of Goa, Daman and Diu and be allotted the travelling expenses incurred by him in attending the enquiry.

39. **Attendance of Assessors.**—Where a date for an appeal before the appellate authority has been fixed, the Chief Inspector shall under the orders of the President of the appellate authority arrange for the attendance of all the Assessors.

40. **Filing of appeals.**—Every appeal shall be made to the Chief Inspector in writing either in English or in the regional language of the place where the economiser is situated.

41. **Presentation of appeal.**—The petition of appeal may be presented, either personally or sent by registered post, to the Chief Inspector.

42. **Form of appeal.**—The appeal shall be accompanied by the original order, notice or report appealed against or by a certified copy thereof or where no such order, notice or report has been made in writing, by a clear statement of the facts appealed

against, the grounds of appeal and section under which the appeal is made.

43. **Procedure before hearing.**—When the date for hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant, stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence, he shall be present, either in person or by authorised agent, with his evidence on the date fixed. The notice shall be sent by registered post to such address as is entered in the petition of appeal.

44. **Attendance of Inspectors during hearing of appeals.**—(1) In an appeal to the Chief Inspector he shall decide whether the presence of the Inspector is necessary and shall issue orders accordingly.

(2) Under orders of the Chief Inspector, Inspectors shall attend before the appellate authority during the hearing of appeals with regard to economisers under their charge.

45. **Attendance of witnesses before Appellate Authority.**—The appellate authority shall have power to secure the attendance of witnesses and to make local inquiries under the provisions of the Code of Civil Procedure, 1908.

46. **Ex-parte decision.**—In any appeal, if the appellant is not present on the date fixed, the appeal may be decided ex-parte.

47. **Costs in appeals to appellate authority.**—(1) Where an appeal is dismissed, the appellate authority may fix the costs of the appeal which shall be payable by the appellant.

(2) In any appeal where a local inspection is required, the appellant shall deposit in advance, full costs of such inspection as determined by the President of the appellate authority.

CHAPTER VI

General

48. The owner of an economiser shall not use or permit it to be used, unless the competent person-in-charge of the boiler is placed in charge of such economiser.

49. **Penalty.**—Any person contravening any of these rules shall be punishable, in the case of a first offence, with fine which may extend to one hundred rupees, and in the case of any subsequent offence, with fine which may extend to one thousand rupees.

FORM AE

Economiser Inspection Department
Government of Goa, Daman and Diu

Register of Economisers
(Rules 4 and 8)

Registry No.	Type of Economiser	Economiser rating	Name of manufacturer	Year and place of construction	Date of registration	Name of owner	Place where in use	Remarks Transfers etc.
1	2	3	4	5	6	7	8	9

FORM CE

(See Rule 31)

Report into the investigation of the accident
to Economiser No.

To
The Chief Inspector of Boilers,
Sir,

In accordance with instructions, I have held a preliminary inquiry into the accident and the circumstances attending it to Economiser No. ... and now make the following reports:—

- (1) Date and place of accident.
- (2) Date of investigation.
- (3) Name and address of Owner(s).
- (4) Persons killed and/or injured.
- (5) Name of makers of Economisers or steam pipe.
- (6) Age of Economiser or steam pipe.
- (7) Particulars of previous repairs with dates.
- (8) Nature of accident.
- (9) Cause of accident.
- (10) General remarks.

Date: Inspector of Boilers.

Remarks by the Chief Inspector.

By order and in the name of the Lt. Governor
of Goa, Daman and Diu.

J. C. Almeida, Secretary to Government, Labour
and Information Department.

Panaji, 25th February, 1974.

Law and Judiciary Department

Notification

LD/3119/74

The following Notification which was recently issued by the Government of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 10th June, 1974.

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE

(Department of Agriculture)

New Delhi, the 27th March, 1974

Notification

GSR No. 145 (E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, further to amend the Fertiliser (Movement Control) Order, 1973, namely:—

1. (1) This Order may be called the Fertiliser (Movement Control) (Second Amendment) Order, 1974.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Schedule to the Fertiliser (Movement Control) Order, 1973, after S. No. 38 and the entries

relating thereto, the following S. No. and entry shall be inserted, namely:—

S. No.

Name of the Manufacturer

"39.

West India Chemicals Ltd., Maharashtra

Sd/-

KUMARI ANNA R. GEORGE

Joint Secretary to the Government of India

(No. 10-15/74-MPRSTU)

Notification

LD/2686/74

The following notification received from the Government of India, Ministry of Industrial Development, Science and Technology, Central Boilers' Board, New-Delhi, is hereby published for general information of the Public.

M. S. Borkar, Under Secretary (Law).

Panaji, 27th April, 1974.

MINISTRY OF INDUSTRIAL DEVELOPMENT
SCIENCE & TECHNOLOGY

Central Boilers Board

New Delhi, the 30th March, 1974

Notification

G.S.R. Whereas certain draft regulations further to amend the Indian Boiler Regulations, 1950, were published as required by sub-section (1) of section 31 of the Indian Boilers Act, 1923 (5 of 1923), at page 251 of the Gazette of India, Part II, Section 3, Sub-section (i), dated the 10th Feb. 1973, under the notification of the Government of India in the Ministry of Industrial Development, No. G.S.R.128, dated the 29th January, 1973, inviting objections and suggestions from all persons likely to be affected thereby till the 9th May, 1973;

And Whereas the said Gazette was made available to the public on the 17th February, 1973;

And Whereas no objections or suggestions have been received;

Now, Therefore, in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby makes the following regulations further to amend the Indian Boiler Regulations, 1950, namely:—

1. These regulations may be called the Indian Boiler (Amendment) Regulations, 1974.

2. In regulation 3 of the Indian Boiler Regulations 1950, after sub-regulation (3), the following sub-regulation shall be inserted namely:—

"(4) Where no provision is made in these regulations for design or manufacture of any

pressure part, the Board may permit the manufacture of such pressure part to codes or standards, which are known to be commonly used in industrially advanced countries, for use in the country."

(F. No. BL-5(5)/70-Boiler)

Sd/-

S. C. DEY

Secretary, Central Boilers Board.

Notification

LD/747/74

The following Central Acts which were recently passed by the Parliament and assented to by the President of India are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 19th February, 1974.

The Income-Tax (Amendment) Act, 1973

AN

ACT

further to amend the Income-tax Act, 1961.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Income-tax (Amendment) Act, 1973.

2. **Amendment of sections 269D and 269P.**—In the Income-tax Act, 1961 43 of 1961 (hereinafter referred to as the principal Act),—

(a) in section 269D, in sub-section (1), in the first proviso, and in sub-clause (i) of clause (a) of the second proviso, for the words "six months", the words "nine months" shall be, and shall be deemed always to have been, substituted;

(b) in section 269P, in sub-section (1), the following shall be inserted at the end with effect from the 1st day of January, 1974, namely:—

'Provided that the provisions of this sub-section shall not apply in relation to any document which purports to transfer any immovable property for an apparent consideration not exceeding ten thousand rupees.

Explanation.—For the purposes of this proviso, "apparent consideration" shall have the meaning assigned to it in clause (a) of section 269A subject to the modifications that for the expressions "immovable property transferred" and "instrument of transfer" occurring in that clause, the expressions "immovable property purported to be transferred" and "document purporting to transfer such immovable property" shall, respectively, be substituted.'

3. **Validation.**—(1) No notice for the initiation of proceedings for the acqui-

sition of any immovable property under Chapter XXA of the principal Act which was issued by the competent authority before the commencement of this Act for publication in the Official Gazette, in the exercise of or the purported exercise of the powers under section 269D of the principal Act, shall be called in question merely on the ground that such notice was not published in the Official Gazette before the expiration of a period of six months from the end of the month in which the instrument of transfer in respect of such property was registered under the Registration Act, 1908, if such notice was either published in the Official Gazette before the expiration of a period of nine months from the end of the month in which the instrument of transfer in respect of such property was registered under the Registration Act, 1908, or could not be so published within the said period of nine months by reason of any injunction or order of any court.

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(2) Every notice, which by virtue of the provisions of sub-section (1) shall not be called in question as provided therein, shall be deemed to have been issued in accordance with law and shall, for the purposes of sub-section (1) of section 269D of the principal Act, be deemed to have operated or, where such notice is published in the Official Gazette after the commencement of this Act, to operate, to initiate the proceedings for the acquisition of the immovable property to which such notice relates on the date of publication of such notice in the Official Gazette:

Provided that—

(a) the jurisdiction of a competent authority in respect of any such property may be called in question before the expiry of the period specified in sub-section (3) of section 269B of the principal Act or a period of thirty days from the commencement of this Act, whichever period expires later;

(b) objections against the acquisition of any such immovable property may be made under section 269E of the principal Act within the period allowed under that section or a period of forty-five days from the commencement of this Act, whichever period expires later.

The Industries (Development and Regulation) Amendment Act, 1973

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ACT

further to amend the Industries (Development and Regulation) Act, 1951.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. **Short title, and commencement.**—(1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1973.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 10.—In section 10 of the Industries (Development and Regulation) Act, 1951 (hereinafter referred to as the principal Act),—

(i) in sub-section (3), for the words "containing such particulars as may be prescribed", the following shall be substituted, namely:—

"containing the productive capacity of the industrial undertaking and such other particulars as may be prescribed";

(ii) after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) The owner of every industrial undertaking to whom a certificate of registration has been issued under this section before the commencement of the Industries (Development and Regulation) Amendment Act, 1973, shall, if the undertaking falls within such class of undertakings as the Central Government may, by notification in the Official Gazette, specify in this behalf, produce, within such period as may be specified in such notification, the certificate of registration for entering therein the productive capacity of the industrial undertaking and other prescribed particulars.

(5) In specifying the productive capacity in any certificate of registration issued under sub-section (3), the Central Government shall take into consideration the productive or installed

capacity of the industrial undertaking as specified in the application for registration made under sub-section (1), the level of production immediately before the date on which the application for registration was made under sub-section (1), the level of the highest annual production during the three years immediately preceding the introduction in parliament of the Industries (Development and Regulation) Amendment Bill, 1973, the extent to which production during the said period was utilised for export and such other factors as the Central Government may consider relevant including the extent of under-utilisation of capacity, if any, during the relevant period due to any cause."

3. Amendment of section 24.—In sub-section (1) of section 24 of the principal Act, in clause (i), after the word, brackets and figure "sub-section (1)", where they occur for the first time, the words, brackets and figure "or sub-section (4)" shall be inserted.

4. Amendment of the First Schedule.—In the First Schedule to the principal Act, under the heading "38. MISCELLANEOUS INDUSTRIES:", the item "Cigarettes." shall be numbered as item (1), and after the item as so numbered, the following item shall be inserted, namely:—

"(2) Linoleum, whether felt based or jute based."